

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANNETT HOLDINGS, INC. d/b/a TMC  
TRANSPORTATION, INC. and  
YELLOWSTONE TRUCKING, INC.,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYDS  
AND THOSE COMPANIES SEVERALLY  
SUBSCRIBING TO BOEING POLICY  
NUMBER 509/JC487006, RLI INSURANCE  
COMPANY, GREAT AMERICAN  
INSURANCE COMPANY, TOKIO MARINE &  
NICHIDO FIRE INSURANCE COMPANY,  
FIREMAN'S FUND INSURANCE COMPANY,  
ROYAL & SUN ALLIANCE INSURANCE  
PLC, ST. PAUL FIRE & MARINE  
INSURANCE COMPANY, MITSUI  
SUMITOMO INSURANCE COMPANY OF  
AMERICA, XL SPECIALTY INSURANCE  
COMPANY, THE BALOISE INSURANCE  
COMPANY, LTD., HARTFORD FIRE  
INSURANCE COMPANY, ZURICH GLOBAL  
CORPORATE, UK LTD ,

Defendants.

CASE NO.: 08 C 1106 (JHL) (NRN)

HONORABLE JUDGE LEFKOW

**NOTICE OF MOTION TO DISMISS THIS ACTION DUE TO A  
PRIOR ACTION PENDING**

PLEASE TAKE NOTICE THAT on 6<sup>th</sup> day of May, 2008 at 9:30 a.m. in Room 1925 of the United States District Court, Northern District of Illinois, Chicago, Defendants, Certain Underwriters at Lloyds and those companies severally subscribing to Boeing Policy Number 509/JC487006, Royal & Sun Alliance Insurance plc, RLI Insurance Company, St. Paul Fire & Marine Insurance Company, Great American Insurance Company, Mitsui Sumitomo Insurance Company of America, Tokio Marine & Nichido Fire Insurance Company, XL Specialty Insurance Company, Fireman's Fund Insurance Company, The Baloise Insurance Company, Ltd., Hartford Fire Insurance Company and

Zurich Global Corporate, UK Ltd. (hereinafter "Defendants") will move this Honorable Court for an order:

Dismissing this action due to a prior action pending in the Western District of Washington.

Respectfully Submitted,  
SCHOEN MANGAN & SMITH, LTD.

By: s/Thomas P. Mangan  
Thomas P. Mangan, Esq.  
200 W. Adams, Suite 1005  
Chicago, IL 60606  
Tel: (312) 726-5151  
Fax: (312) 726-0884  
Email: [tmangan@schoenmslaw.com](mailto:tmangan@schoenmslaw.com)

and

MALOOF BROWNE & EAGAN, LLC  
David T. Maloof, Esq.  
Thomas M. Eagan, Esq.  
411 Theodore Fremd Avenue, Suite 190  
Rye, New York 10580  
Tel: (914) 921-1200  
Fax: (914) 921-1023  
Email: [dmaloof@maloofandbrowne.com](mailto:dmaloof@maloofandbrowne.com)  
*Attorneys for Defendants*